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United States of America
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12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 SOUTHERN DIVISION
15

16 UNITED STATES OF AMERICA,)	NO. SACV 06-1060-JVS (RNBx)
)	
17 Plaintiff,)	
)	
18 v.)	CONSENT JUDGMENT
)	
19 REAL PROPERTY IN SANTA ANA,)	[NOTICE OF LODGING CONSENT
CALIFORNIA,)	JUDGMENT LODGED CONCURRENTLY
)	HEREWITH]
20 Defendant.)	
)	
21 _____)	
)	
22 JOSE LUIS GARCIA,)	
)	
23 Claimant.)	
)	
24 _____)	

25 On November 3, 2006, plaintiff United States of America
26 ("plaintiff" or the "government") filed a Complaint for Forfeiture
27
28

FDK:ka

1 against the defendant real property¹ located at 1107 South Center
2 Street, Santa Ana, California 92704 (the "defendant property"). The
3 government alleged that the defendant property was subject to
4 forfeiture pursuant to 21 U.S.C. § 881(7).

5 Claimant Jose Luis Garcia ("claimant") filed a verified claim
6 on December 6, 2006 and an answer on December 21, 2006. Claimant
7 subsequently died while in prison. Thus, this matter is now being
8 handled on behalf of claimant by a representative of claimant's
9 estate ("claimant's estate"). No other claims, statements of
10 interest, or answers have been filed, and the time for filing
11 claims, statements, and answers has expired.

12 The government and claimant's estate have agreed to settle
13 this forfeiture action and to avoid further litigation.

14 The Court having been duly advised of and having considered
15 the matter, and based upon the consent of plaintiff and claimants,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

17 1. This Court has jurisdiction over this action pursuant to
18 28 U.S.C. §§ 1345 and 1355.

19 2. The Complaint for Forfeiture states a claim for relief
20 pursuant to 21 U.S.C. § 881(7).

21 3. Notice of this action has been given as required by law.
22 Claimant filed the only claim and answer. The Court deems that all
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24 ¹ The legal description of the defendant real property
25 (Assessor's Parcel No. 109-444-35) is described as: Lot 67 of
26 tract no. 3353, in the City of Santa Ana, County of Orange, State
27 of California, as per map recorded in Book 103, page 42, 43 and
28 44 of miscellaneous maps, in the Office of the County Recorder of
said County.

1 other potential claimants admit the allegations of the Complaint for
2 Forfeiture to be true.

3 4. Claimant's estate agrees to forfeiture as set out below.
4 A judgment of forfeiture is hereby entered in favor of the United
5 States, which shall dispose of the following defendant property in
6 accordance with the law:

7 (A) Within ninety (90) calendar days of the entry of
8 judgment, claimant's estate will pay the government
9 \$50,000.00 as a substitute *res* for the defendant real
10 property, which sum shall be condemned and forfeited to the
11 United States in accordance with law. Payment shall be made
12 in the form of a cashier's check payable to the United States
13 Treasury Department. The cashier's check shall be delivered
14 to Assistant United States Attorney Frank D. Kortum at United
15 States Courthouse, 312 North Spring Street, Suite 1400, Los
16 Angeles, California 90012. In the event that claimant's
17 estate makes the \$50,000.00 timely payment under the terms of
18 this Consent Judgment, the government shall release the
19 defendant real property to the heirs of the claimant by
20 providing an original Withdrawal of Lis Pendens to claimant's
21 estate; or

22 (B) If claimant's estate fails to make the \$50,000.00
23 payment to the government within ninety calendar days of the
24 entry of judgment, the defendant real property shall be
25 condemned and forfeited to the United States of America and
26 shall be disposed of in accordance with law. The government
27 shall receive \$50,000.00 out of the net proceeds from the
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1 sale of the defendant real property, and claimant's estate
2 shall receive any remainder.²

3 5. This Consent Judgment shall be included as part of the
4 instructions for any escrow opened in connection with a refinance of
5 the defendant real property. Such instructions shall provide that
6 the payment called for herein shall be made directly out of escrow.
7 The payment to the United States, as directed above, shall include a
8 copy of the final settlement statement. Upon the opening of escrow
9 for a refinance, the government's counsel shall be provided with a
10 certified copy of the escrow instructions showing that this Consent
11 Judgment has been incorporated into those instructions. If
12 claimant's estate refinances the defendant real property, the
13 government will submit an original Withdrawal of Lis Pendens into
14 escrow, which shall be recorded only in connection with the closing
15 of escrow and the payment called for herein.

16 6. The parties will execute further documents, to the extent
17 necessary, to convey clear title to the defendant property
18 and to further implement the terms of this Consent Judgment.

19 7. Claimant's estate waives the redacting and sealing
20 requirements of L.R. 79-5.4.

21 8. Claimant's estate hereby releases the United States of
22 America, its agencies, officers, and employees, including employees
23 of the Drug Enforcement Agency, and local law enforcement agencies,
24 their agents, officers, and employees, from any and all claims,
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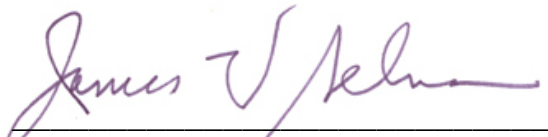
26 ² "Net Proceeds" as used herein shall mean the gross
27 proceeds of sale less payment of valid liens, closing costs, and
28 the costs of sale.

1 actions, or liabilities arising out of or related to this action,
2 including, without limitation, any claim for attorneys' fees, costs,
3 or interest on behalf of claimants, whether pursuant to 28 U.S.C. §
4 2465 or otherwise. Plaintiff hereby release claimant and claimant's
5 estate (1) from any claims concerning the forfeitability of the
6 defendant real property based on the allegations of the complaint
7 (specifically excluding unknown claims and any potential criminal
8 tax claims).

9 9. The Court finds that there was reasonable cause for the
10 institution of these proceedings against the defendant real
11 property. This judgment shall be construed as a certificate of
12 reasonable cause pursuant to 28 U.S.C. § 2465.

13 10. The Court further finds that claimant's estate did
14 not substantially prevail in this action, and the parties shall bear
15 their own attorneys' fees and other costs of litigation.

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17 DATED: May 27, 2009


THE HONORABLE JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

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CONSENT

The government and claimant's estate consent to judgment and waive any right to appeal.

DATED: May ___, 2009

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DATED: May ___, 2009

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Garcia and Claimant's Estate